



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION**

JACQUELIN ANN SPITZ,

Plaintiff,

vs.

NANCY A. BERRYHILL,

Acting Commissioner of Social Security,

Defendant.

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§ CIVIL ACTION NO. 0:18-1084-MGL-PJG

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION,  
REVERSING DEFENDANT'S FINAL DECISION DENYING BENEFITS,  
AND REMANDING THE MATTER FOR FURTHER CONSIDERATION**

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This is a Social Security appeal in which Plaintiff Jacquelin Ann Spitz (Spitz) seeks judicial review of the final decision of Defendant Nancy A. Berryhill (Berryhill) denying her claims for Disability Insurance Benefits and Supplemental Security Income. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Berryhill's decision be reversed in accordance with sentence four of 42 U.S.C. § 405(g) and the case be remanded for further consideration as set forth in the Report.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on April 9, 2019. On May 16, 2019, Berryhill filed a notice with the Court indicating she would not be filing any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Berryhill's decision is **REVERSED** in accordance with sentence four of 42 U.S.C. § 405(g) and the case is **REMANDED** to Berryhill for further consideration as detailed in the Report.

**IT IS SO ORDERED.**

Signed this 20th day of May, 2019, in Columbia, South Carolina.

/s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE